

East Longmeadow Planning Board

60 Center Square

East Longmeadow, Massachusetts 01028

since 1894

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*George C. Kingston, chair
Michael Carabetta, vice chair
Ralph Page, clerk*

*Michael S. Przybylowicz
Alessandro Meccia
Robyn d. macdonald, director
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Minutes of February 12, 2013

Present were: Chair, George Kingston; Vice Chair, Michael Carabetta; Clerk, Ralph Page, Alessandro Meccia and Michael Przybylowicz.

Chair, George Kingston opened the meeting and said that it was being taped by ELCAT as well as the Board. He asked if anyone else was taping it, no one responded.

Public Hearing Site Plan Review – The Arbors Kids, 126 Industrial Drive

Chair, George Kingston opened the public hearing for the Arbors Kids, 126 Industrial Drive. Clerk, Ralph Page read the legal notice and correspondence into the record.

Police:

1. The applicant has installed lighting based on previous recommendations that are sufficient to meet our requirements.
2. The applicant has installed signs based on previous recommendations that are sufficient to meet our requirements.
3. A review of the traffic study submitted for this site determined there will potentially be some negative impact on the flow of traffic in the area. However, the design of the on-site traffic pattern should reduce that potential.
4. There is an anticipated increase in calls to the Police Departments for service.
5. The applicant has altered the submitted plans to include all of our previous recommendations and meets our requirements.

Franklin Miorandi, Assistant Town Engineer:

The proposed child care and summer camp facility has existing water and sewer connections. The redesign of the access shows no apparent conflicts with surrounding driveways.

The proposed stormwater system will utilize underground infiltration chambers and infiltration swales. The existing catch basin (CB-6) will act as an overflow to the Industrial Drive drainage system. The developers engineer maintains the run-off leaving the site via

overflow will be less than current flow conditions. The Department of Public Works approves this Site Plan.

Ms. Macdonald said that the Fire Department approved the Site Plan at the round table but they have been so busy from the last snow storm they haven't had the time to write their report.

Mr. Kingston addressed the applicant to explain to the Board what they would like to do.

Shad Hanrahan, Representative for The Arbors Kids said that they are proposing to relocate their two programs that are in town to 126 Industrial Drive. He said they want to extend their programs into summer camp as well so they will be a 52 weeks program for school aged children. Mr. Hanrahan said that they offer child care for infants to preschool, they offer before and after school programs, vacation camps and summer camps and said that they needed a larger space.

Mr. Kingston asked Mr. Hanrahan if they will be using an existing building and relocate from their Shaker Road facility. Mr. Hanrahan said correct they will be relocating their Shaker Road and Denslow Road facilities. Mr. Kingston said that it is classified as a school which is an allowed use in the Industrial Garden Park.

Mr. Przybylowicz asked seeing how they are going to combine both facilities into one will they be offering the same choice of programs. Mr. Hanrahan said yes that they will be able to offer even more programs as well as some indoor field space, some basketball courts and a pool for the summer programs.

Mr. Meccia asked if the existing parking is going to stay the same.

Brian Balicki, Sage Engineering said that the existing parking and curb cuts are going to be completely removed and rebuilt as shown on the plan. He said that the two driveways will be separated and the western driveway will be an entrance only to allow vehicle cueing while parents are dropping off their children so they can pull over and let their child off to a counselor or other adult supervision. Mr. Balicki said that the further driveway is an entrance & exit for parking and services.

Mr. Przybylowicz asked if they ever envision leagues for their outdoor activities. Mr. Hanrahan said not currently and what they offer are a lot of programs from 6:30 a.m. to 5:30 p.m. which is their normal time frame. Mr. Przybylowicz said those programs are just for their children who attend the facility and asked if the fields are for rent. Mr. Hanrahan said that was something they really haven't looked into. Mr. Przybylowicz said that is good because it is not an allowed use in the district. He then asked how they came across their required parking.

Mr. Balicki said that there is no specific use that matches it in the zoning by-laws and said that they went off what they needed under their existing facilities. He said that they maximized the parking lot in the front and beyond what they needed based on

their experience. He said that there is nothing even close in the by-laws that were applicable. Mr. Kingston asked Mr. Balicki how many parking spaces they have and how many staff members they have. Mr. Balicki said they have 73 spaces. Mr. Hanrahan said probably about 15 to 18 staff members at one time. Mr. Kingston said then they will have plenty of extra parking for the parents who need to stop and drop off.

Mr. Przybylowicz asked if they ever have open houses and if so it is an event that might take up a lot of parking. Mr. Hanrahan said yes they do and it does and said currently they are projecting to have 85 children inside.

Mr. Page asked as far as parking lot lighting is it just in the islands. Mr. Balicki said in the two islands there will be double direction pole mounted lights and on the front of the building there will be wall pack lighting that will point down to the sidewalks and parking lot in front. He said that was presented to Sergeant Bates who was satisfied with that. Mr. Page asked on the actual drive in about how many cars go in for the drop area. Mr. Balicki said off the top of his head he does not know but roughly 15 cars along the sidewalk. Mr. Hanrahan added that the drop off is really for summer camp, a loading zone for busing.

Mr. Kingston said that there is plenty room because Industrial Drive is quite wide and they are near the corner. Mr. Balicki said that it's the second lot as you pull across the street from the post office.

Mr. Page asked if the abutting building's driveway is also very close to the edge. Mr. Balicki said that there is actually quite a bit of separation and the entrance of the driveway and the other buildings parking is probably 15 to 20 feet off their property line. He said that there is enough separation to avoid any conflict of movements.

Mr. Kingston asked if it is all going to be fenced in the back. Mr. Hanrahan said yes it will. Mr. Kingston addressed the audience for any questions.

John Tarbell, 140 Industrial Drive owner of the abutting property said that there is a good 60 foot gap of grass before the Arbors Kids parking lot. He said that they will be running a fence along the property between the parking lot and their facility and asked where it would be. Mr. Balicki referred to the plan and showed the exact location where the fence would be. Mr. Tarbell asked if there will be access gates along his property line. Mr. Hanrahan said the exit will probably be at either end. Mr. Balicki said that there will be no access gates pointing to his side that will allow people coming in and out of the playing fields and then into the building.

Mr. Page asked how deep the two drainage swales on each side of the fields are. Mr. Balicki said that they are basically collection swales and they will be going into underground drainage and the deepest point is about 18 inches. He said that they are all grass and are not projected to hold any water, it will capture water and send it to an underground system.

There being no further questions and upon motion duly made by Michael Przybylowicz and seconded by Alessandro Meccia, the Board voted unanimously (5-0) to close the public hearing.

After brief discussion and upon motion duly made by Michael Carabetta and seconded by Michael Przybylowicz, the Board voted unanimously (5-0) to approve the Site Plan.

Bentley's Bistro request for approval of Nano Windows

Clerk, Ralph Page read a letter from Janice Santaniello requesting approval of Nano windows which are windows that bi-fold and open to the outside.

The Board reviewed the request to install Nano windows at Bentley's Bistro and the Special Permit currently held by Bentley's and did not have any issues with the type of windows the owner wishes to install. The Board will send the request to the Board of Health for their approval with regard to the open windows and health concerns as well as the Board of Selectmen with regard to approval under the liquor and entertainment license.

Upon motion duly made by Michael Przybylowicz and seconded by Ralph Page, the Board voted unanimously (5-0) that installations of the Nano windows were not significant relative to the Special Permit.

East Longmeadow Bark Park Association

Clerk, Ralph Page read a request from William Couzelis, President of the East Longmeadow Bark Park Association to have a Flea Market at Heritage Park in the spring. Mr. Kingston felt that it did not impact the Planning Board but does impact the Recreation Department and the Board of Selectmen. He said if they want to put signs up then they would have to submit a signage request to the Planning Board. Mr. Kingston asked Ms. Macdonald to write Mr. Couzelis a letter stating there are no Planning Board issues but are concerned about damage to the field and recommends that they find a different location than Heritage Park.

Request for Signage – Dunkin Dounuts, 61 Maple Street

Michael Przybylowicz recused himself due to possible conflict of interest and said that he would be available to answer any questions.

Clerk, Ralph Page read a request for signage from Dunkin Dounuts.

After review of the proposed signage for Dunkin Dounuts, 61 Maple Street and upon motion duly made by Michael Carabetta and seconded by Ralph Page, the Board voted unanimously (4-0) to approve the signage measuring 4' x 8' feet for a total of 32 square feet and which will be placed on the building to read Dunkin' Donuts and conditioned upon the applicant obtaining a sign permit from the Building Inspector.

Public Hearing Special Permits - Large Family Home Day Care

Chair, George Kingston opened the public hearing for Large Family Home Day Care. Clerk, Ralph Page read correspondence and the legal notice into the record for the following applicants: Anabella Andrukonis, 111 Millbrook Drive; Shana Brown, 63 Holland Drive; Candy Caputo, 15 Bunker Circle; Gloria Molinari, 82 Bayne Street; Katherine Reilly, 64 Merriam Street; Jane Rivera, 42 Wilder Lane.

Ben Cote, Fire Department wrote that he completed his inspections of the home day cares and found all properties to be in compliance with all state and town codes including smoke and co detectors. List of properties: 111 Millbrook Dr; 63 Holland Drive; 15 Bunker Circle; 82 Bayne Street; 64 Merriam Street; 42 Wilder Lane.

Sergeant Richard Bates wrote that there were no concerns with the safe flow of traffic at 63 Holland Drive and the site is located on a dead end street and past a majority of the other residences on the street.

Mr. Kingston said that the Board will address the home day cares one at a time. He said that there is list from Ms. Macdonald that they all have their state licenses, they all have floor plans filed, they have all paid for the their portion of the legal notice. Mr. Kingston said all of them except for 42 Wilder Lane applying for 10 children and for them all the assistants are indentified and copies of the assistant licenses are on file. He said 42 Wilder Lane is only eight children and does not require an assistant for that.

Anabella Andrukonis, 111 Millbrook Drive

Mr. Kingston addressed the Board for any questions.

Mr. Przybylowicz asked if Ms. Andruknois submitted all of their typical information such as pictures. Ms. Macdonald said everything has been submitted by Ms. Andruknois.

Mr. Kingston addressed the audience for any questions. There being none and upon motion duly made by Michael Przybylowicz and seconded by Michael Carabetta, the Board voted (5-0) to close the public hearing. Upon motion duly made by Michael Przybylowicz and seconded by Michael Carabetta, the Board voted (5-0) to approve the Special Permit for a large family home day care for Anabella Andruknois, 111 Millbrook Drive.

Shana Brown, 63 Holland Drive

Mr. Kingston addressed the Board for any questions being none addressed the audience for any questions. There being none and upon motion duly made by Michael Przybylowicz and seconded by Michael Carabetta, the Board voted (5-0) to close the public hearing. Upon motion duly made by Michael Przybylowicz and seconded by Michael Carabetta, the Board voted (5-0) to approve the Special Permit for a large family home day care for Shana Brown, 63 Holland Drive.

Candy Caputo, 15 Bunker Circle

Mr. Kingston addressed the Board for any questions, being none addressed the audience for any questions.

Deborah Harper, 94 Franconia Circle said that she lives in back of Ms. Caputo and it is extremely noisy now but she is not saying anything negative about it. She said there are kids out there and adults out there yelling to them and she has had contractors over her house that commented that it was very noisy and couldn't believe that it is allowed. Ms. Harper said that they don't use their porch Monday – Friday, their pool is not relaxing due to the noise.

Ms. Caputo asked if that was recent. Mr. Kingston asked last summer. Ms. Caputo said that it wasn't loud everyday because of the heat she had more little children then older ones and she kept them in the air conditioning. Mr. Kingston recommended that she have a discussion with her neighbor. Mr. Kingston asked Ms. Harper if she is directly behind Ms. Caputo. Ms. Harper said if she was on her back porch it would be one house to the right. Ms. Caputo asked if her husband went to the meeting when she first got her license. Ms. Harper said that they both did. Mr. Kingston asked Ms. Caputo if she could have a discussion with them and try to work out something that is amendable to both of them. He said that they obviously have the right to the peaceful enjoyment of their property. Mr. Kingston said to Ms. Caputo that under state law and under the town by-law she is allowed to operate there. He said that it is up to her to try to maintain the relationship with the neighbors and said that there are noise laws in town that are Police issues.

Bob Pliska, 7 Bunker Circle said that they never experienced any excessive noise or disruption, never any traffic disruption and there is no impact to them being immediate neighbors especially not any noise.

Mr. Kingston emphasized that being good neighbors is to sit down together and try to work something out so Ms. Caputo can continue her business. There being no further discussions and upon motion duly made by Michael Przybylowicz and seconded by Alessandro Meccia, the Board voted (5-0) to close the public hearing. Upon motion duly made by Michael Przybylowicz and seconded by Alessandro Meccia, the Board voted unanimously (5-0) to approve the Special Permit for a large family home day care for Candy Caputo, 15 Bunker Circle.

Gloria Molinari, 82 Bayne Street

Mr. Kingston addressed the Board for any questions, being none addressed the audience for any questions.

There being none and upon motion duly made by Michael Carabetta and seconded by Alessandro Meccia, the Board voted (5-0) to close the public hearing. Upon motion duly made by Alessandro and seconded by Michael Carabetta, the Board voted (5-0) to

approve the Special Permit for a large family home day care for Gloria Molinari, 82 Bayne Street.

Katherine Reilly, 64 Merriam Street

Mr. Kingston addressed the Board for any questions, being none addressed the audience for any questions.

There being none and upon motion duly made by Michael Przybylowicz and seconded by Alessandro Meccia, the Board voted (5-0) to close the public hearing. Upon motion duly made by Alessandro and seconded by Michael Przybylowicz, the Board voted (5-0) to approve the Special Permit for a large family home day care for Katherine Reilly, 64 Merriam Street.

Jane Rivera, 42 Wilder Lane

Ms. Rivera submitted paperwork stating that her license for eight children does not require an assistant. She said that her sister helps her and she not certified and the state allows a certain limit on hours and she does not pay her.

Mr. Kingston addressed the Board for any questions, being none addressed the audience for any questions.

Jennifer Dutko, 50 Heatherstone Drive asked what Ms. Rivera's maximum children limit was. Mr. Kingston said that Ms. Rivera has a maximum of 8 children at one time. Ms. Dutko asked if the by-laws allow up to ten children. Mr. Kingston said yes and that Ms. Rivera is only applying for 8 children and if she wants to have 10 children she would have to come back to the Board for a change to her Special Permit. Ms. Dutko said that her concerns are with traffic on her street because there is another day care directly across the street that is currently for 6 children but maybe petitioning for more. She said that there is also a barn that there are horses housed on Wilder Lane extension which adds to a great amount of traffic and the neighbors at the end of the street have home health aids that go to their homes each day and her concern is that Ms. Rivera's business is going to be adding to the traffic and impacting the traffic. Ms. Dutko was wondering if there is anything that can be done about it or if people on the street would have a say in the matter. Mr. Kingston said that the Board appreciates her concerns and that the Police have looked at all the locations relative to traffic and the Board relies on their recommendations and they go out and look at the traffic on the street. He said in addition they should be aware of where the traffic issues are and if there is a significant traffic issue the safety officer Sergeant Richard Bates is undoubtedly aware of it from any accident reports there might be. Mr. Kingston said that Sergeant Bates sent the Board a report saying for that particular location he does not feel that it's excessive. He said if the other day care comes in it will be advertised in the reminder and she can certainly attend that meeting and address the issue again. Ms. Macdonald added that Sergeant Bates could always go back if there is an issue. Mr. Kingston thanked Ms. Dutko for her concerns.

There being no more questions or concerns and upon motion duly made by Michael Przybylowicz and seconded by Alessandro Meccia, the Board voted unanimously (5-0) to close the public hearing. Upon motion duly made by Alessandro Meccia and seconded by Michael Przybylowicz, the Board voted unanimously (5-0) to approve the Special Permit for a large family home day care for Jane Rivera, 42 Wilder Lane.

ANR – Wisteria Lane

The Board reviewed the ANR for Wisteria Lane owned by China Cat Realty Trust showing the creation of two new lots, Lot 3-R now containing 39,920 square feet and Lot 4-R now containing 38,569 square feet – both having at least 140 feet of frontage on Wisteria Lane in compliance with the Zoning By-laws.

Upon motion duly made by Michael Carabetta and seconded by Alessandro Meccia, the Board voted unanimously (5-0) to approve the ANR for Wisteria Lane.

ANR – Braeburn Road & Van Dyke Road

The Board reviewed the ANR for Braeburn Road and one on Van Dyke Road for Moltenbrey Builders, LLC for the creation of two new parcels, Parcel A now containing 11,196 square feet and Parcel B now containing 11,204 square feet – both having at least 75 feet of frontage on Braeburn Road and one on Van Dyke Road in compliance with the Zoning By-laws.

Upon motion duly made by Alessandro Meccia and Michael Carabetta and seconded by Alessandro Meccia, the Board voted unanimously (5-0) to approve the ANR for Braeburn Road and Van Dyke Road.

At that time the Board took a recess to endorse the plans.

The Board reconvened at 7:15 p.m.

Public Hearing Special Permits – Massage Therapist

Chair, George Kingston opened the public hearing for the Massage Therapists. Clerk, Ralph Page read correspondence and the legal notice into the record for the following applicants: Elite Image Salon & Spa, 489 North Main Street; Escape Therapeutic Massage, 10 Crane Avenue; In Touch Massage Studios, 200 North Main Street; Korean Massage Therapy Center, Inc, 611 North Main Street; Ochoa Day Spa, 653 North Main Street; Peoples Massage, 145 Shaker Road; Elements Therapeutic Massage, 80 Center Square; Progressive Massage, 145 Shaker Road; Shear Integrity, 60 Shaker Road; Visual Changes, 35 Harkness Avenue; Vitality Massage & Pilates Center, 168 Denslow Road; Well Being Therapeutic Massage; Fengling Liu, 34 Shaker Road.

Pioneer Valley Wellness, Inc., d/b/a Elements Therapeutic Massage, 80 Center Square

John Pantera, owner of Pioneer Valley Wellness was present.

Mr. Kingston addressed the Board for any questions.

Mr. Przybylowicz asked Mr. Pantera if his business was located in Center Square and asked what the business hours of operation are. Mr. Pantera said they are located at 80 Center Square and their business name is Elements Therapeutic Massage with a corporation name of Pioneer Valley Wellness, Inc. He said that their hours of operation are Monday – Saturday, 9:00 a.m. to 9:00 p.m. and Sunday, 9:00 a.m. to 7:00 p.m.

Mr. Meccia asked how many employees there are at the facility. Mr. Pantera said currently there are 27 employees.

Mr. Kingston addressed the audience for any questions. There being none and upon motion duly made by Michael Przybylowicz and seconded by Michael Carabetta, the Board voted unanimously (5-0) to close the Public Hearing. Upon motion duly made by Michael Carabetta and seconded by Michael Przybylowicz, the Board voted unanimously (5-0) to issue a Special Permit for Pioneer Valley Wellness, Inc. d/b/a Elements Therapeutic Massage, 80 Center Square.

Visual Changes, Inc. 35 Harkness Avenue

Barbara Sorcinelli, Manager of Visual Changes, Inc., 35 Harkness Avenue.

Mr. Kingston addressed the Board for any questions.

Mr. Przybylowicz asked how many employees work at the facility. Ms. Sorcinelli said it will be 22 employees if they are approved. Mr. Przybylowicz asked what the hours of operation are. Ms. Sorcinelli said Mondays, 9:00 a.m. to 6:00 p.m., Tuesday – Thursday, 9:00 a.m. to 9:00 p.m., Friday & Saturday, 9:00 a.m. to 5:00 p.m.

Mr. Page asked Ms. Sorcinelli if it is a single massage therapist. Ms. Sorcinelli said that they hired a second therapist if they are approved.

Mr. Kingston addressed the audience for any questions. There being none and upon motion duly made by Michael Carabetta and seconded by Alessandro Meccia, the Board voted unanimously (5-0) to continue the hearing until March 26th at 6:00 p.m. pending the copy of the multiple establishment license.

Well Being Therapeutic Massage, Vivian Bresnitz - 143C Shaker Road

Representative Attorney Scott Dunlap and applicant Vivian Bresnitz were present.

Mr. Kingston addressed the Board for any questions.

Mr. Przybylowicz said in reviewing the application you are the only massage therapist. Ms. Bresnitz said that correct. Mr. Przybylowicz asked Ms. Bresnitz her hours of operation. Ms. Bresnitz said that she is there 2 ½ days a week.

Mr. Kingston addressed the audience for any questions. There being none and upon motion duly made by Alessandro Meccia and seconded by Michael Przybylowicz, the Board voted unanimously (5-0) to close the Public Hearing. Upon motion duly made by Michael Carabetta and seconded by Michael Przybylowicz, the Board voted unanimously (5-0) to approve the Special Permit for Well Being Therapeutic Massage, 143 C Shaker Road.

Fengling Liu, 34 Shaker Road

Representative Attorney Lawrence Levine and applicant Fengling Liu were present.

Mr. Kingston asked Attorney Levine if Ms. Lui was the only one that practices there.

Attorney Levine said correct that it is a new establishment. Mr. Kingston asked what her hours of operation are. Attorney Levine said one day a week for 8 hours.

Mr. Kingston addressed the Board for any questions.

Mr. Przybylowicz asked Attorney Levine what space it is on Shaker Road. Attorney Levine said to the right of Gelato's and said that Ms. Lui is aware of any signage she might want she will have to come back to the Board for sign approval.

Mr. Kingston addressed the audience for any questions. There being none and upon motion duly made by Michael Carabetta and seconded by Alessandro Meccia, the Board voted unanimously (5-0) to close the Public Hearing. Upon motion duly made by Alessandro Meccia and seconded by Michael Carabetta, the Board voted unanimously (5-0) to approve the Special Permit for Fengling Liu, 34 Shaker Road.

Escape Therapeutic Massage, Arianne Boyajian - 10 Crane Avenue

Mr. Kingston asked Ms. Boyajian where 10 Crane Avenue is.

Arianne Boyajian said that it is behind Stephen Allen Jewelers.

Mr. Kingston addressed the Board for any questions.

Mr. Przybylowicz asked Ms. Boyajian her hours of operation. Ms. Boyajian said Monday - Friday, 10:00 a.m. to 7:00 p.m. Mr. Przybylowicz asked how many employees there are. Ms. Boyajian said two employees.

Mr. Kingston addressed the audience for any questions. There being none and upon motion duly made by Michael Przybylowicz and seconded by Alessandro Meccia, the Board voted unanimously (5-0) to continue the hearing until March 26th at 6:00 p.m. pending a copy of the multiple establishment license.

In Touch Massage Studios, 200 North Main Street

Mr. Kingston said everything that was required has been submitted and addressed the Board for any questions. Being none, he addressed the audience for any questions, there being none and upon motion duly made by Alessandro Meccia and seconded by Michael Przybylowicz, the Board voted unanimously (5-0) to close the Public Hearing. Upon motion duly made by Michael Carabetta and seconded by Michael Przybylowicz, the Board voted unanimously (5-0) to approve the Special Permit for In Touch Massage Studios, 200 North Main Street.

People's Massage, 145 Shaker Road

Erin Prystowski and Mary Hurly, Owners were present .

Mr. Kingston said that the Board had a question with regard to an expired license. Ms. Macdonald said that Christina Palano is getting a new one issued. Mr. Kingston said that the Board will have to continue the hearing to March 26th at 6:00 p.m. pending the copy of the new license and addressed the Board for any questions.

Mr. Page said they have a multiple massage therapy license, they have an existing license and asked if they got someone different to go in there do they have to come back before the Board every single time there is a new masseuse.

Mr. Kingston said if they hire somebody new they have to provide the Board with the license and identification for that person so that the file is update. He said that they don't have to file for a change in the Special Permit.

Mr. Page said that his question is can the Board approve it as a multiple facility until that person who doesn't have a license receives their new license.

Mr. Kingston asked Ms. Macdonald said in their case they have multiple therapist, one or more of which do not have a current license and asked if the Board can approve it that evening with exempting those therapist and then as if they were to hire another they would have to add them to the permit when their license comes in. Ms. Macdonald said that there is only one that is expired. Mr. Kingston addressed the audience for any questions, there being none and upon motion duly made by Ralph Page and seconded by Michael Przybylowicz, the Board voted unanimously (5-0) to continue the hearing to March 26th at 6:00 pending a copy of Christina Palano renewed license.

Elite Image Salon & Spa, 489 North Main Street

Mr. Kingston said that Elite Image of 489 North Main Street is missing an establishment license.

Stephanie Reid, owner said that she is checking with her therapist because she was under the understanding that they had everything.

Mr. Kingston recommended that the Board continue the hearing until the 26th at 6:00 p.m. to give Ms. Reid time to receive the establishment license. He addressed the audience for any questions, being none and upon motion duly made by Alessandro Meccia and seconded by Ralph Page, the Board voted unanimously (5-0) to continue the hearing to March 26th at 6:00 p.m.

Progressive Massage, 168 Denslow Road

Mr. Kingston recommended that the Board continue the hearing to give Progressive Massage the opportunity to receive their establishment license, pay for the legal notice and obtain the new license. He addressed the audience for any questions, being none and upon motion duly made by Michael Carabetta and seconded by Michael Przybylowicz, the Board voted unanimously (5-0) to continue the hearing to March 26th at 6:00 p.m.

Shear Integrity, 60 Shaker Road

Co-owner, Albert Tranghese introduced himself.

Mr. Kingston said that they are missing an establishment license and one expired therapist license for Carolyn Lloyd.

Mr. Tranghese said that she is no longer with them.

Ms. Macdonald said that she just found out from the state that Massage Therapist need the establishment license even if they are in a hairdressing salon. She said that it will not have any effect on the running of his business. Mr. Kingston said correct that the Board will continue the hearing to March 26th at 6:00 p.m. to give him time to get the establishment license. He said if any of the ones that are continued to March 26th are unable to get all of their paperwork together in time for the 26th please notify Ms. Macdonald and the Board can continue it again to a later date.

Mr. Kingston addressed the audience for any questions, being none and upon motion duly made by Michael Przybylowicz and seconded by Alessandro Meccia, the Board voted unanimously (5-0) to continue the public hearing to March 26th at 6:00 p.m.

Vitality Massage & Pilates Center, Marzena Glebocki -168 Denslow Road

Marzena Glebocki, Owner was present.

Mr. Kingston said that an establishment license is missing but Ms. Glebocki submitted a letter stating that her application has been received and she will receive the license in 4 to 6 weeks. He addressed the audience for any questions, being none and upon motion duly made by Michael Przybylowicz and seconded by Alessandro Meccia, the Board voted unanimously (5-0) to close the public hearing. Upon motion duly made by Michael Carabetta and seconded by Alessandro Meccia, the Board voted unanimously

(5-0) to approve the Special Permit for Vitality Massage, 168 Denslow Road subject to receiving a copy of the establishment license.

Wellness Massage Therapy, Alesha Pisano – 38 Harkness Avenue

Mr. Kingston said Ms. Pisano is missing a copy of her Solo License and payment for the legal notice.

Upon motion duly made by Ralph Page and seconded by Alessandro Meccia, the Board voted unanimously (5-0) to continue the hearing to March 26th at 6:00 p.m.

Ochoa Day Spa, 653 North Main Street

Mr. Kingston said that they will need to be continued pending the submittal of the therapist license, other employee's establishment license and identification of all other employees.

Upon motion duly made by Michael Carabetta and seconded by Alessandro Meccia, the Board voted unanimously (5-0) to continue the hearing to March 26th at 6:00 p.m.

Korean Massage, 611 North Main Street

Mr. Kingston said that they do not have valid Massachusetts id's showing current addresses, there is no multiple establishment license from the state, the application submitted is not notarized, one therapist's license is expiring at the end of February and payment for the legal notice has not been received. He asked the representative to please introduce himself.

Attorney Robert Ward and Gye Hwa Shin were present.

Attorney Ward said to address the Board's issues on residency he submitted a letter from the landlord. He said that he spoke with Ms. Macdonald and suggested perhaps that was in lieu of the mass id because she has a Michigan driver's license, does not have a Massachusetts license. Attorney Ward said a Massachusetts id card could not be obtained because it is prohibited by law as long as someone has another license. He said also submitted was some letters sent to them which shows that the mail is delivered to that address. Attorney Ward said that he thinks it may establish their residency there and said if they notice on the application one of the a massage therapist name has been deleted because she decided not to come and not to leave the Dedham area. He said that leaves them with the two names and said that it is a solo license because there is only one masseuse at the facility.

Mr. Kingston said that they have four beds and only one massage therapist? Attorney Ward said that the initial application that was done in December it was believed that the therapist from Dedham was going to be coming and they thought she was going to so they submitted the application on the basis she was going to be there but she opted not to. He said that they would like to expand and maybe have another two or three

massage therapists as their business grows and said right now they don't use those facilities. Mr. Kingston said that they will need a multiple establishment license at some point. Attorney Ward said as soon as they get another massage therapist they will have to do that and also apply to the Board to do so. Mr. Kingston said given the state of the parking lot it is kind of hard to believe that there is only one therapist. Mr. Page said but there is actually two listed on the application. Attorney Ward said there are two people, one is a therapist and the other one is an Asian Bodywork individual which is excluded from licensure by the DBL.

Mr. Przybylowicz asked what the difference is between the two of them. Attorney Ward said that he doesn't know.

Ms. Macdonald said that she did some research on it and there are requirements for licensure for that also, maybe not underneath the massage therapist but for the bodyworks, it has to be specific as to what it is and there is an actual license that goes with that and asked Attorney Ward if they have that license. Attorney Ward said there is no license for Asian Bodywork or Reflexology they are specifically excluded from the statute, from the massage therapist but not according to that. Ms. Macdonald said Attorney Donahue also said if they don't have a Massachusetts identification that they would need an electrical bill, heating bill, telephone bill, something showing that there are utilities that are being paid by the people who are living there. Attorney Ward said the Massachusetts id if someone doesn't have a valid drivers license but would like to get an official id the Registry of Motor Vehicles can issue a Massachusetts id and to obtain one you must meet the following requirements: Be at least 14, a Massachusetts resident, not hold a valid drivers license from Massachusetts or any other jurisdiction, he said that she cannot get one.

Mr. Przybylowicz said she is a resident of Michigan but works in Massachusetts. Attorney Ward said yes.

Mr. Kingston said that it's his understanding that there is a requirement in Massachusetts after someone has lived here for a certain period of time they have to get a drivers license for Massachusetts that an out of state license is only good for a certain period of time. Attorney Ward said it's his understanding that it is 30 days. Mr. Kingston said certainly she has lived here for longer than 30 days. Attorney Ward said the debate is residency and domicile which he spoke to your Town Counsel about and thought he would be present at the meeting that evening to address the issue. He said that she is a resident of Michigan and she intends to permanently hang her hat eventually. Mr. Kingston asked if she lives there more than 6 months of the year. Attorney Ward said no that she has a business there, she has a business in New York, a business in Massachusetts. Mr. Kingston said for example in Florida if someone has to be living there for 6 months and a day it makes them a resident and said that he would have to look up the Massachusetts law on residency or have Town Attorney do that. Attorney Ward said that was why addressed the issue earlier with him and thought that's what he would have done and be at the meeting that evening. Mr. Kingston suggested that the Board continue the hearing because there are issues that the Board

cannot address currently, particularly the residence issue, the issue of the multiple establishment license and the issue of the Bodywork Therapy.

Mr. Page said that he wanted to make clear that it is anyone that works at the facility that they need their identifications, it's not just a massage therapist.

Attorney Ward asked if he heard from the Board that there will be a legal counsel ruling or he will look into it and get him something prior to the next Board meeting. Mr. Kingston said that the Board will take it up with town counsel and try to resolve some of the issues.

Mr. Przybylowicz said that Attorney Ward referenced an employee from Dedham is not working there any longer. Attorney Ward said correct. Mr. Przybylowicz said that seems to be two individuals at the same address and asked if they are one in the same. Attorney Ward said that she got married.

Mr. Kingston addressed the audience for any questions.

Mary Hurley, Peoples Massage asked under Body Work what exactly is being practiced. Attorney Ward said that he believes it is trenon.

Vivian Bresnitz asked if she is member of the American Massage Therapy Association. Mr. Kingston asked Ms. Shin if she a member of the American Massage Therapy Association. Ms. Shin said yes.

Arianne Boyajian, Escape Therapeutic Massage said the AMTA is for liability insurance to practice.

Mr. Kingston said that the Board will be continuing the hearing and the Board will take more questions when the continuation occurs.

Stephanie Reid, Elite Image asked how about a phone bill, gas bill just as Ms. Macdonald asked.

Mr. Kingston said the Board will follow up on that and establish that.

Attorney Ward asked if it would satisfy the Board, she has a New York cell phone.

Mr. Kingston said that they will get town counsel involved and they have time to figure out exactly what they need. He said that the continuation date will be March 26th. Ms. Macdonald added that attorney Donahue is the one who said an electric bill, heating bill or something to prove that they reside there and that have paid. Mr. Kingston said that he and Ms. Macdonald should sit with Attorney Donahue sometime within the next week to try and outline the issues so that the applicant has a clear understanding of what's needed.

Attorney Ward said the guideline he has been going by is the state statute and the Board of Licensure. Ms. Macdonald added that it's also the Massachusetts Public

Health Department that says there a license application for Body Work Therapy and that is for Asian Body Work Therapy.

Stephanie Reid said that she is also questioning the Town's Business Permit that they all have to have and she inquired and she does not have a business certificate and was wondering how she is able to operate. Mr. Kingston commented that they are the Planning Board and they deal with Special Permits and the Business Certificate is issued by the Clerk's Office and the Board will check into that.

Attorney Ward said that it's his understand that Business Certificates are only for d/b/a's and if someone is a corporation they do not need it because the identity is there and is on record with the state.

Mr. Kingston said that the Board will look into it and address it.

Scott Dunlap, Massachusetts Chapter of Massage Therapist Association asked for clarification did Ms. Shin say that she a member of the Massachusetts Chapter and purchases the liability insurance through the AMTA? Ms. Macdonald said that she did. Mr. Kingston said that he will ask that the Board to consider that and he is sure they can check it out with the organization and will look into the matter further.

With no further questions and upon motion duly made by Alessandro Meccia and seconded by Michael Przybylowicz, the Board voted unanimously (5-0) to continue the hearing to March 26th at 6:00 p.m.

There being no further business and upon motion duly made by Michael Przybylowicz and seconded by Alessandro Meccia, the Board voted to close the meeting at 8:30 p.m.

For the Board,

Ralph Page, Clerk